

Appl. No.: 10/752,890
Amdt. dated 11/28/2005
Reply to Office action of August 29, 2005

REMARKS/ARGUMENTS

This amendment is in response to the Final Office Action mailed August 29, 2005. Applicants would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Applicants would also like to thank the Examiner for confirming that Claims 2-9, 13, 14, 16-19, 21, and 22 define allowable subject matter if rewritten in independent form. Applicants have provided a granted Decision on Petition for an unintentionally delayed claim of priority to U.S. Patent No. 6,722,202 as a continuation-in-part application thereof, as indicated in Exhibit A and as discussed more fully below. Applicants have also provided in Exhibit B a terminal disclaimer. In light of the attached documents and the remarks below, Applicants respectfully submit that all of the claims are in condition for immediate allowance.

Rejections Under 35 U.S.C. §§ 102(e) and 103(a) – Kennedy

The Office Action rejected Claims 1, 12, and 20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,722,202 to Kennedy et al. ("the Kennedy '202 patent"); Claim 11 under 35 U.S.C. § 103(a) as being obvious over the Kennedy '202 patent; Claim 10 under 35 U.S.C. § 103(a) as being obvious over the Kennedy '202 patent in view of U.S. Patent No. 4,010,636 to Clark et al. ("the Clark '636 patent"); and Claims 23 and 24 under 35 U.S.C. § 103(a) as being obvious over the Kennedy '202 patent in view of U.S. Patent No. 5,343,750 to Bashyam ("the Bashyam '750 patent"). In light of Applicants' granted petition to claim priority to the Kennedy '202 patent, Applicants respectfully request that the rejections be withdrawn.

The granted Decision on Petition for an unintentionally delayed claim of priority to the Kennedy '202 patent removes the Kennedy '202 patent as a 102(e) reference. For at least this reason, Applicants respectfully request that the rejection of Claims 1, 12, and 20 under 35 U.S.C. § 102(c) be withdrawn.

Regarding the rejections of Claims 10, 11, 23, and 24 under 35 U.S.C. § 103(a), because the Kennedy '202 patent has been removed as a 102(e) reference, Applicants respectfully submit that the Kennedy '202 patent is further disqualified from being used in rejections under 35

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U.S.C. § 103(a). Accordingly, Applicants respectfully request that the rejections of Claims 10, 11, 23, and 24 under 35 U.S.C. § 103(a) be withdrawn.

Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

The Office Action rejected Claims 1, 10, 11, 12, 20, 23, and 24 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15-17 and 29 of the Kennedy '202 patent and/or in view of the Clark '636 patent or the Bashyam '750 patent. In light of Applicants' terminal disclaimer, Applicants respectfully requests that the rejections be withdrawn.

As stated in 37 CFR 1.130(b), a judicially-created double patenting rejection may be obviated by filing a terminal disclaimer in accordance with 37 CFR 1.321(c). Applicants have provided such a terminal disclaimer in Exhibit B. Therefore, Applicants respectfully request that the rejections of Claims 1, 10, 11, 12, 20, 23, and 24 under the judicially created doctrine of obviousness-type double patenting be withdrawn.

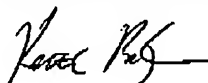
CONCLUSION

In view of the foregoing amendments, remarks, and petition, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Chapman is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

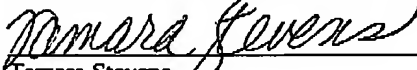


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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (571) 273- 8300 on the date shown below.


Tamara Stevens

November 28, 2005
Date